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FILED

SEP 19 2014

Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of the Application for Resident
Producer License of:

BRUCE S. CLUFF,

Applicant.

Docket No. 18-2963-14

STIPULATION AND FINAL ORDER

STIPULATION

The Idaho Department of Insurance (hereinafter "Department") and Respondent BRUCE S. CLUFF (hereinafter "Cluff") hereby agree and stipulate as follows:

1. The Director of the Department has jurisdiction over this matter pursuant to title 41, Idaho Code.
2. On or about July 22, 2014, the Department received a Uniform Application for Individual Producer License ("Application") from Cluff.

3. On August 14, 2014, after review of the Application and supplemental material, the Department denied Cluff's Application.

4. On August 22, 2014, Cluff sent a letter to the Department requesting a hearing on the Department's denial of his Application.

5. On August 26, 2014, the Director of the Department issued a Notice of Hearing, setting the matter for hearing at 9:30 a.m., Thursday, September 18, 2014, and appointed David Nielsen as hearing officer.

6. The parties hereto believe that this matter may be settled by a negotiated and stipulated settlement without the necessity of hearing.

7. In consideration of the foregoing and of dismissal of the above-entitled matter:

- a. Cluff admits that he violated Idaho Code § 41-1016(1)(a) when he failed to correctly and completely respond to question no. 2 on page 3 of 5 of the Uniform Application for Individual Insurance Producer License regarding prior administrative proceedings involving his producer's license in the states of Idaho and Utah;
- b. Cluff agrees to pay to the Department a penalty in the amount of \$1,000.00 for violation of Idaho Code § 41-1016(1)(a) within twenty (20) days of service of the Final Order approving this Stipulation;
- c. The Department agrees that, following the Director's entry of a Final Order approving this Stipulation, and upon receipt of payment of the penalty described above, the Department shall issue an Idaho resident insurance producer license to Cluff;

d. Cluff agrees that, while he holds an Idaho resident insurance producer license, if a bureau chief for the Department finds, after investigation, that Cluff has violated any section of title 41, Idaho Code, and submits to the Director an affidavit signed under oath setting forth such violations, Cluff's producer license may be immediately revoked at the discretion of the Director. In such event, Cluff will be served with a copy of the affidavit, a notice of immediate revocation of Cluff's license, and a notice of a right to a hearing to show cause why Cluff's license should not continue to be revoked.

8. Before executing this Stipulation, Cluff has had the opportunity to review this Stipulation with an attorney of his choice and to seek appropriate advice and counsel relating thereto.

9. The terms of this Stipulation are appropriate and proper under the circumstances referenced herein; and the parties hereto have entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby.

10. With regard to the denial of Cluff's Application, the parties hereto agree that the matter set for hearing on the date identified above may be vacated and that the parties waive their right to notice and hearing at which they may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

11. The parties hereto have reviewed the proposed Final Order and agree as to its form and that said Final Order may be submitted to the Director of the Department for his review and signature.

IT IS SO AGREED.

DATED THIS 16th day of September, 2014.

RESPONDENT

By Bruce S. Cluff
BRUCE S. CLUFF

STATE OF Idaho)
County of Canyon)
SS.

On this 16th day of September, 2014, before me, the undersigned Notary Public, personally appeared BRUCE S. CLUFF, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Anna Hagner
Notary Public
Residing at Boise, Id
My commission expires 09/16/2018

DATED THIS 18th day of September, 2014.


STATE OF IDAHO
DEPARTMENT OF INSURANCE

By Georgia Siehl
Georgia Siehl
Bureau Chief, Company Activities Bureau

STATE OF IDAHO)
) ss.
County of Ada)

On this 18th day of September, 2014, before me, the undersigned Notary Public, personally appeared GEORGIA SIEHL, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public
Residing at Bone
My commission expires 30 OCT 2019

STIPULATION AND FINAL ORDER APPROVED AS TO FORM:

By: John C. Keenan
John C. Keenan
Deputy Attorney General
Attorneys for Idaho Department of Insurance

FINAL ORDER

The Idaho Department of Insurance and BRUCE S. CLUFF having entered into the foregoing Stipulation; the form of the order having been approved; and the Director having reviewed the same, having found that there is a factual basis for entry of a Final Order herein, and having concluded that BRUCE S. CLUFF did violate Idaho law as stated in the Stipulation;

NOW, THEREFORE, based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof.

IT IS FURTHER ORDERED that BRUCE S. CLUFF shall pay to the Department the sum of One Thousand Dollars (\$1,000.00) as a penalty for the violation. Such penalty shall be paid within twenty (20) days of service of this Final Order, whereupon the Department shall issue to BRUCE S. CLUFF a resident insurance producer license.

IT IS FURTHER ORDERED that if, during BRUCE S. CLUFF's licensure, a bureau chief for the Department finds, after investigation, that BRUCE S. CLUFF has violated any section of title 41, Idaho Code, and submits to the Director an affidavit signed under oath setting forth such violations, BRUCE S. CLUFF's Idaho resident producer license may be immediately revoked at the discretion of the Director. In such event, BRUCE S. CLUFF shall be served with a copy of the affidavit, a notice of immediate revocation of his Idaho resident producer license, and a notice of a right to a hearing to show cause why his license should not continue to be revoked. Upon CLUFF's timely written request, the matter shall be set for hearing.

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IT IS SO ORDERED.

DATED THIS 18TH day of September, 2014.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

By 
William W. Deal
Director

NOTIFICATION REGARDING REPORTABLE PROCEEDINGS


This is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies of which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. Be aware that this proceeding must be disclosed on any license application and must be reported to any and all states in which you hold an insurance license.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 2014, I caused to be served a true copy of the foregoing STIPULATION AND FINAL ORDER by the method(s) indicated below, and addressed to each of the following:

Bruce S. Cluff
93 S Greenscape Way
Nampa, Idaho 83687

- ☒ first class mail
☐ certified mail
☐ facsimile



Teresa Jones